

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KUEHNE + NAGEL, INC.,

Plaintiff,

-against-

HALCO LIGHTING TECHNOLOGIES, LLC,

Defendant.

1:23-cv-07069 (JLR)

**MEMORANDUM OPINION  
AND ORDER**

JENNIFER L. ROCHON, United States District Judge:

Plaintiff commenced this action on August 10, 2023. *See* ECF No. 1 (“Compl.”). On August 11, 2023, the Court ordered Plaintiff to show why subject matter jurisdiction exists based on diversity of citizenship. ECF No. 7. Plaintiff responded to that Order on August 21, 2023. ECF No. 8. The Complaint alleges that Defendant Halco Lighting Technologies, LLC (“Halco”) is “a Delaware limited liability company” and that its “only member and manager is HLT Holdings, LLC,” which is “organize[d] [by] EX Corp LLC . . . .” Compl. ¶ 3. In its August 21 response, Plaintiff instead alleges that Defendant Halco’s “Managers and Members are identified as . . . [1] Katherine Bush, 2940 A Pacific Drive, Norcross, Georgia 30071; and [2] Jay Weaver, 2940 A Pacific Drive, Norcross, Georgia, 30071.” ECF No. 8 at 1.


Plaintiff still has not alleged facts sufficient for the Court to exercise subject matter jurisdiction. Even if the Court assumes that Katherine Bush and Jay Weaver are Halco’s only members (rather than HLT Holdings, LLC, as Plaintiff alleged in the Complaint), Plaintiff has not alleged either individual’s domicile. “An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile. . . [in other words] the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” *Van Buskirk v. United Grp. of Cos.*, 935 F.3d 49, 53 (2d Cir. 2019)

(quoting *Palazzo ex rel. Delmage v. Corio*, 232 F.3d 38, 42 (2d Cir. 2000)). Plaintiff states the same street address after each individual's name, but Plaintiff does not allege that the individuals are domiciled at that address. *See* ECF No. 8. Further, Plaintiff's submission indicates that the address given for the individuals – "2940 A Pacific Drive, Norcross GA 30071" – is a company address for Halco, as well as the address provided by a third member of Halco in 2021. ECF No. 8-1 at 7, 12.<sup>1</sup> Without more, it is not reasonable for the Court to infer that this address is Katherine Bush and Jay Weaver's domicile.

Accordingly, the Court will provide Plaintiff an additional opportunity to provide the necessary prerequisites for the Court to exercise subject-matter jurisdiction. Plaintiff shall, by **August 29, 2023**, supplement its allegations to show complete diversity consistent with the Court's orders and the applicable authorities. If, by that date, Plaintiff is unable to allege complete diversity of citizenship, the action may be dismissed for lack of subject matter jurisdiction without further notice to the parties.

Dated: August 22, 2023  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge

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<sup>1</sup> Page citations are to the ECF-generated page numbers.